

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ANZA TECHNOLOGY, INC.,

Plaintiff,

V.

HAWKING TECHNOLOGIES, INC.,

Defendant.

Case No.: 3:16-cv-01264-BEN-AGS

ORDER:

(1) DENYING MOTION TO STAY;
and
**(2) VACATING SCHEDULE IN
CASE MANAGEMENT ORDER**

Defendant Hawking Technologies, Inc. (“Hawking”) has brought a motion to stay. (Mot., ECF No. 39). Plaintiff Anza Technology, Inc. (“Anza”) opposes the motion. (Opp’n, ECF No. 41). For the reasons set forth below, the Court **DENIES** the motion but vacates the schedule in the Case Management Order.

BACKGROUND

This case is one of several related actions brought by Anza, all of which allege infringement of the same patents. *See* 16-cv-1261-BEN-AGS; 16-cv-1263-BEN-AGS; 16-cv-1264-BEN-AGS; 16-cv-1266-BEN-AGS; & 16-cv-1267-BEN-AGS (the “Related Cases”). The allegations in each of the cases are largely the same. The cases, however, are at different stages of litigation. While Hawking answered Anza’s Amended Complaint, Defendants in the other Related Cases filed motions to dismiss. This case

1 proceeded while the Court reviewed and ruled on the motions to dismiss. On February
2 22, 2017, Magistrate Judge Schopler issued a Case Management Order scheduling
3 discovery and other pretrial deadlines. Judge Schopler scheduled an Early Neutral
4 Evaluation Conference for April 17, 2017, but Hawking failed to appear.

5 On May 5, 2017, this Court denied the motions to dismiss in the other Related
6 Cases. Subsequently, Judge Schopler scheduled a global Early Neutral Evaluation and
7 Case Management Conference for those cases. The global conference will be held on
8 July 10, 2017. Judge Schopler has proposed a schedule with discovery and pretrial
9 deadlines approximately three months after the deadlines set in the *Hawking* case.

10 Hawking now moves to stay this case until the Court can issue a consolidated
11 scheduling order for all of the Related Cases.

12 DISCUSSION

13 A district court has inherent power to control its own docket “with economy of
14 time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S.
15 248, 254 (1936). Given the similarity of the Related Cases, the Court agrees with
16 Hawking that there may be advantages to delaying the schedule of this case. Aligning the
17 schedule in the Related Cases may streamline and simplify the issues and reduce
18 duplicative litigation.

19 However, the Court declines to enter a stay at this time. Instead, it vacates the
20 current schedule set forth in the Case Management Order. (ECF No. 30). A limited
21 suspension of the schedule will not prejudice Plaintiff. Judge Schopler will issue a new
22 scheduling order after the global Early Neutral Evaluation.

23 IT IS SO ORDERED.

24 Dated: June 13, 2017

25 
26 Hon. Roger T. Benitez
27 United States District Judge
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